IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.390 OF 2006

Mr P.S. John ...Petitioner

v/s

M/s Voltas Ltd. ...Respondents

Mr R.K. Singh for Petitioner.

None for Respondents.

CORAM : D.K. DESHMUKH J.

DATE : 25TH SEPTEMBER 2006.

P.C. :-

1. By this petition filed under section 9 of the Arbitration and Conciliation Act 1996, the petitioner seeks an order restraining the respondents from invoking the bank guarantee. The contract of the bank guarantee with the Bank is absolute. The law settled by the Supreme Court is that unless there is an allegation of fraud, the Court should not pass orders of temporary injunction restraining the invocation of the bank guarantee. The other aspect is that even if the bank guarantee is invoked and the amount is paid, it does not result in causing any irreparable injury to the petitioners as it is only loss of money and loss of money never causes any irreparable injury. The petitioner therefore is not entitled to any interim order as sought in the petition. Petition is disposed off.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.